

## Article - Health - General

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§18–215.

(a) In addition to any other penalty provided by law, a physician who fails to submit the report required under § 18–204 of this subtitle, on conviction, is subject to a fine not exceeding \$10.

(b) A person who violates any provision of § 18–202 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

(c) In addition to any other penalty provided by law, a physician who fails to submit the report required under § 18–201 of this subtitle, on conviction, is subject to a fine not exceeding \$100.

(d) A person who violates any provision of § 18–205 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

(e) A health care provider or any other person, including an officer or employee of a governmental unit, who knowingly and willfully discloses personal identifying health information acquired for the purposes of HIV and AIDS reporting under § 18–201.1, § 18–202.1, § 18–205, or § 18–207 of this subtitle to any person who is not authorized to receive personal identifying health information under this subtitle or otherwise in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for the first offense and not exceeding \$5,000 for each subsequent conviction for a violation of any provision of this subtitle.

(f) (1) A health care provider or any other person, including an officer or employee of a governmental unit, who knowingly and willfully requests or obtains information on HIV and AIDS developed under § 18–201.1, § 18–202.1, § 18–205, or § 18–207 of this subtitle under false pretenses or through deception, on conviction is subject to:

(i) A fine not exceeding \$100,000, imprisonment for not more than 5 years, or both; and

(ii) If the offense is committed with intent to sell, transfer, or use individually identifiable health information for commercial advantage, personal gain, or malicious harm, a fine not exceeding \$250,000, imprisonment for not more than 10 years, or both.

(2) This subsection does not apply to an officer or employee of a governmental unit that is conducting a criminal investigation.

(g) A health care provider or any other person who knowingly violates subsection (e) or (f) of this section is liable for actual damages.

(h) A physician, laboratory, or institution as defined in § 18–202.1 of this subtitle that in good faith submits a report or otherwise discloses information in accordance with this subtitle is not liable in any action arising from the disclosure of the information.

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